

Application No.: 09/965,374  
Amendment Dated: January 2, 2007  
Reply to Office Action of: October 2, 2006

## REMARKS

Claims 1-29 are pending in the application. Claims 1, 10, 16, 23, and 26 have been amended. In view of the foregoing amendments and remarks urged here, Applicant respectfully requests that the Examiner withdraw all outstanding rejections.

### ***Claim Rejections – 35 U.S.C. § 103***

The Examiner has rejected claims 1-29 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,430,594 to Akiyama (“Akiyama”) in view of U.S. Patent No. 6,098,090 to Burns (“Burns”).

Applicant has amended claims 1, 10, 16, 23, and 26 to more particularly point out and distinctly claim the subject matter regarded as the invention. In particular claim 1 has been amended to recite that “each of the at least one registered service is given an opportunity to be scheduled in the dedicated pre-assigned time slice independently of any foreground task and independent of any deadline tasks.” Claim 10 has been amended to recite that “each of the at least one registered service is given an opportunity to be scheduled in the dedicated pre-assigned time slice independently of any foreground task and independent of any deadline tasks.” Claim 16 has been similarly amended to recite that “each of the at least one registered service is given an opportunity to be scheduled in the dedicated pre-assigned time slice independently of any foreground task and independent of any deadline tasks.” Claim 23 has been amended to recite that “each of the at least one registered service is given an opportunity to be scheduled in the dedicated pre-assigned time slice independently of any foreground task and independent of any deadline tasks.” Claim 26 has been amended to recite that “applications are scheduled for execution by the service manager in a manner independent from any of the foreground applications and independent of any deadline applications.”

The present invention, as recited in independent claims 1, 10, 16, 23, and 26 is directed to a system for dynamically enabling the expansion of a computer operating system. The system includes a scheduling mechanism which allocates slices of processor time where each task is pre-assigned a slice of time. Significantly, the scheduling mechanism can schedule its registered

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tasks independent of any foreground task of the operating system and independently of any deadline tasks of the operating system.

The Examiner's base reference, Akiyama, is directed to a plurality of tasks grouped into blocks according to the deadline times of each task. However, as Examiner admits, Akiyama does not disclose having foreground or background tasks operating independently of deadline tasks.

The shortcomings of Akiyama are not overcome by Burns nor is Burns cited for such teachings. Burns is directed to a background processor for executing background processes in a single execution thread. Burns does not teach or suggest having foreground tasks independent of deadline tasks. Therefore, the combination of Akiyama and Burns does not teach or suggest every claimed feature of the invention.

The prior art reference (or references) must teach or suggest all of the claim limitations. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991). Since a *prima facie* case of obviousness has not been set forth, Applicant respectfully submits that independent claims 1, 10, 16, 23, and 26 are allowable over the cited references. Claims 2-9, 11-15, 17-22, 24-25, and 27-29, by their dependency on claims 1, 10, 16, 23 and 26 respectively, are similarly allowable. Early notice to that effect is earnestly solicited.

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***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider the outstanding rejections. The Examiner is invited to telephone the undersigned representative if an interview might expedite allowance of this application.

Respectfully submitted,

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